IN THE HIGH COURT OF UTTARANHCAL
AT NAINITAL

Writ Petition No. 664 (S/S) of 2006

1. Aisha Praween, D/o Mr. Abdul Rasheed, R/o Mohalla Jatwara, near Jama Masjid Chauk, Jaspur, District- Udham Singh Nagar

2. Said Ahmad, S/o Mr. Saddiq, R/o Mohalla Jatwara, near Jama Masjid Chauk, Jaspur, District- Udham Singh Nagar

3. Sartaj Jaham, D/o Abdul Rasheed, R/o Mohalla Chipiyan, near Jama Masjid Chauk, Jaspur, District- Udham Singh Nagar

…….Petitioner

V e r s u s

1. State of Uttaranchal through Education Secretary, Uttaranchal, Dehradun.
2. District Education Officer, Udham Singh Nagar.
3. Zila Basic Shiksha Adhikari, Udham Singh Nagar

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Khalil Ahmad, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents.

Learned counsel for the bother the parties agreed of decide the writ petition at its admission stage.

Sri Paresh Tripathi, learned standing counsel for respondents has produced a Photostat copy of the advertisement dated 16.02.2004 issued by District Basic Education Officer, District- Udham Singh Nagar and the same may be kept on record.

By means of this writ petition, petitioners have prayed for following relief:

(i) *issue a writ, order on direction in the nature of Mandamus directing the respondents to consider for appointment to the petitioner as an Assistant Teacher in Primary School.*

(ii) *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

(iii) *Award cost of petition to the petitioners.*

The grievance of the petitioner is that they have passed Maullim-e-Urdu prior to 1997 and they are eligible to be appointed as Urdu Teacher in Primary School in the State of Uttaranchal.

Learned counsel for the petitioners has submitted that in the year 2002 an advertisement was issued, however, petitioners have not been considered for the post of Urdu Teacher, though petitioners have applied for the post of Urdu Teacher in Primary School and pursuance to advertisement dated 29.06.2002.

Learned standing counsel has submitted that this Court has passed an order in writ petition no. 794 (S/B) of 2002 wherein this Court has held that persons who have obtained Maullim-e-Urdu certificate prior to 18.08.1997 shall be entitled for the post of Assistant Teacher (Urdu) in Primary School. State of Uttaranchal has issued advertisement to fill up the post of Urdu Teacher in Primary School in different districts and has included the aforesaid qualifications for

being appointed as Urdu Teacher in Primary School as held by this Court. In the year 2004 also, in District- Udham Singh Nagar advertisement was issued. In the advertisement it is specifically stated that person who have obtained certificate of Maullin-e-Urdu from Jamia Urdu, Aliagarh are eligible to apply for the post.

Petitioner have requisite qualifications. They can apply of the said post and their candidature may be considered in accordance with law whenever the post is advertised. The petitioners are entitled to apply for the post in view of the aforesaid judgment of this court whenever the vacancies are advertised and their candidature will be considered in accordance with law. If they have already applied in pursuance to the advertisement published in the year 2004 within time respondents may consider their candidatures.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 17, 2006
SKSharma